

REMARKS

In response to the Office Action mailed November 2, 2005, Applicant respectfully requests reconsideration.

Claim 4 was objected to because of the inadvertent hyphen between the terminals and of. This hyphen has been removed and withdrawal of the claim objection is respectfully requested.

Claims 1-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Wells and Abadeer. According to the Office Action, Wells discloses, in Figure 1, a monotonic counter formed as an integrated circuit, each counting bit being provided by a memory cell. The Office Action admits, however, that Wells does not disclose that each of the memory cells containing at least one storage element is formed of a polysilicon resistor, programmable by irreversible decrease in its value. According to the Office Action, Abadeer discloses a programmable antifuse circuit formed of a polysilicon resistor, programmable by irreversible decrease in its value. Therefore, the Office Action concludes that it would have been obvious "to a person having ordinary skill in the art to replace the EPROM in Wells with programmable antifuse circuit in Abadeer because programmable antifuse circuit is also one type of non-volatile storage". Applicant respectfully traverses this rejection.

The Office Action has not set forth a prima facie case of obviousness. There is no teaching or suggestion in Wells or Abadeer either alone, or in combination, that they could or should be combined as set forth in the Office Action. There is absolutely no need to replace the EPROM in Wells with the antifuse circuit in Abadeer and this replacement would serve no purpose in the Wells counter.

Accordingly, the only motivation in the record for combining Wells and Abadeer comes from Applicant's own specification and such motivation is clearly improper.

In any case, Applicant has amended claim 1 to include the subject matter of claim 2 and has amended claim 9 to include the subject matter of claim 10.

Claim 1 now recites a monotonic counter formed as an integrated circuit, each counting bit being provided by a memory cell containing at least one storage element formed of a polysilicon resistor, programmable by irreversible decrease in its value; wherein the programming of said

resistor is performed by temporarily submitting it to a constraint current greater than a current for which its value exhibits a maximum.

Contrary to the position in the Office Action, Abadeer does not teach or suggest that the programming of the resistors performed by temporarily submitting it to a constraint current greater than a current for which its value exhibits a maximum. On the contrary, the threshold current which Abadeer refers (columns 7 and 8) does not correspond to the current for which the value of the resistor exhibits a maximum (see, for example, Figure 2 of the present application). Therefore, amended claim 1 clearly distinguishes over Wells or Abadeer individually or in any combination and is in allowable condition.

Claims 3-8 depend from claim 1 and are allowable for at least the same reasons.

Claim 9 recites a monotonic counter wherein each counting bit is provided by a memory cell containing at least one storage element comprising a polysilicon resistor, programmable by decreasing its value; wherein the programming of said resistor is performed by temporarily submitting it to a constraint current greater than a current for which its value exhibits a maximum.

As discussed above in connection with claim 1, the art of record does not teach or suggest that the programming of the resistors performed by temporarily submitting it to a constraint current greater than a current for which its value exhibits a maximum. Accordingly, claim 9 distinguishes over the art of record and is in allowable condition.

Claims 11-17 depend from claim 9 and are allowable for at least the same reasons.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: May 2, 2006

Respectfully submitted,

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